

**EIGHTH DAY - NOVEMBER 10, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SPECIAL SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, November 10, 2011

**PRAYER**

The prayer was offered by Senator Krist.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Heidemann, Lathrop, and Nordquist who were excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventh day was approved.

**COMMITTEE REPORT****Transportation and Telecommunications**

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

David Copple - State Highway Commission  
Donald Hansen - Nebraska Motor Vehicle Industry Licensing Board  
James Kindig - State Highway Commission  
Doug Leafgreen - State Highway Commission  
Rodney Vandenberg - State Highway Commission  
Greg Wolford - State Highway Commission

Aye: 7 Campbell, Dubas, Fischer, Hadley, Janssen, Loudon, Price. Nay: 0.  
Absent: 1 Lautenbaugh. Present and not voting: 0.

(Signed) Deb Fischer, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 19.** Introduced by Sullivan, 41; Dubas, 34.

WHEREAS, Fredrich "Wayne" Frost of Lincoln, formerly of St. Paul, Nebraska, was a graduate of the University of Nebraska with a bachelor of science degree in agriculture; and

WHEREAS, Wayne Frost was a proud member of AGR Fraternity; and

WHEREAS, Wayne Frost was a tireless and enthusiastic volunteer and citizen advocate on behalf of Nebraska agriculture; and

WHEREAS, Wayne Frost spent his entire career in agriculture in positions ranging from feed salesman to livestock specialist to farmer and rancher; and

WHEREAS, Wayne Frost was a teacher, coach, mentor, and leader for generations of Nebraska farmers and ranchers; and

WHEREAS, Wayne Frost's love for Nebraska and his interest in protecting Nebraska's precious soil and water resources led him to become actively involved in public policy development at the state and local level; and

WHEREAS, Wayne Frost's public policy accomplishments resulted in his being named as Nebraska Farmers Union Farmer of the Year in 2008; and

WHEREAS, Wayne Frost was a devoted and loving father, grandfather, and friend whose wisdom, patience, and humor will be greatly missed; and

WHEREAS, Wayne Frost passed away on November 2, 2011, at the age of eighty.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature honors the memory of Wayne Frost for his service to Nebraska agriculture.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Wayne Frost.

3. That a copy of this resolution be sent to the family of Wayne Frost.

Laid over.

**LEGISLATIVE RESOLUTION 20.** Introduced by K. Haar, 21.

WHEREAS, Raymond Central High School's Power Drive team has put in a tremendous amount of work this year through its participation in the Power Drive Program; and

WHEREAS, the Power Drive Program gives high school students hands-on experience building a safe, energy-efficient electric vehicle. The students then compete with other schools in tests of vehicle endurance, maneuverability, and braking; and

WHEREAS, through participation in this program, the Raymond Central High School Power Drive team has learned to apply scientific principles to real-world situations. The team has also gained invaluable experience by

working in a context that promotes energy efficiency and that uses emerging technologies; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature recognizes the tremendous work of the Raymond Central High School Power Drive team.

2. That a copy of this resolution be sent to the Raymond Central High School Power Drive team.

Laid over.

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of November 9, 2011, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Alberts, Dan

Windlab Development USA (Withdrawn 11/07/2011)

Duckworth, Linda

League of Women Voters of Nebraska

Evnen, Robert B.

Lincoln Chamber of Commerce (Withdrawn 11/08/2011)

Kruse, Bonnie

League of Women Voters of Nebraska (Withdrawn 11/04/2011)

Plucker, Julia

Kissel / E & S Associates, LLC

Rogert, Kent

Bold Nebraska

### **ANNOUNCEMENT**

The Chair announced today is Senator Ashford's birthday.

### **MOTION - Approve Appointments**

Senator Carlson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 61:

Beginning Farmer Board

Donald Anthony

Mark Graff

Bradley Lubben

Todd Reed

Melvin Valasek

Voting in the affirmative, 40:

Adams	Cook	Haar, K.	Larson	Pirsch
Bloomfield	Cornett	Hansen	Lautenbaugh	Price
Brasch	Council	Harms	Louden	Schilz
Campbell	Dubas	Harr, B.	McCoy	Schumacher
Carlson	Fischer	Howard	McGill	Sullivan
Christensen	Flood	Janssen	Mello	Utter
Coash	Fulton	Karpisek	Nelson	Wallman
Conrad	Gloor	Lambert	Pahls	Wightman

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Hadley	Langemeier
Avery	Krist	Smith

Excused and not voting, 3:

Heidemann	Lathrop	Nordquist
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The appointments were confirmed with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

### EASE

The Legislature was at ease from 9:17 a.m. until 9:27 a.m.

### COMMITTEE REPORT

Natural Resources

**LEGISLATIVE BILL 4.** Placed on General File with amendment.  
AM13 is available in the Bill Room.

(Signed) Chris Langemeier, Chairperson

### AMENDMENTS - Print in Journal

Senator Langemeier filed the following amendment to LB4:

FA1

On page 7, line 19 insert after "Commission"; "the director or another representative of the Nebraska Oil and Gas Conservation Commission;"

Senator Dubas filed the following amendment to LB4:

AM14

(Amendments to Standing Committee amendments, AM13)

- 1 1. Insert the following new section:
- 2 Sec. 4. Nothing in the Oil Pipeline Route Certification
- 3 Act shall be construed to regulate any safety issue with respect to
- 4 any aspect of any interstate oil pipeline. The Oil Pipeline Route
- 5 Certification Act is intended to deal solely with the issue of
- 6 siting or choosing the location of the route aside and apart from
- 7 safety considerations. The Legislature acknowledges and respects
- 8 the exclusive federal authority over safety issues established by
- 9 the federal law, the Pipeline Safety Act of 1994, 49 U.S.C. 60101
- 10 et seq., and the express preemption provision stated in that act.
- 11 The Oil Pipeline Route Certification Act is intended to exercise
- 12 only the remaining sovereign powers and purposes of Nebraska which
- 13 are not included in the category of safety regulation.
- 14 2. Renumber the remaining sections and correct internal
- 15 references accordingly.

Senators Fulton filed the following amendment to LB4:

FA2

Amend Committee amendment AM13

On page 6, line 23, after Quality, insert "a scientist on staff with the University of Nebraska Department of Agriculture."

### ADJOURNMENT

At 9:28 a.m., on a motion by Senator Coash, the Legislature adjourned until 1:30 p.m., Monday, November 14, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

